New Threshold = Prior Threshold
$$\times \left\{1 + 0.5 \frac{(Wn - Wp)}{Wp} + 0.5 \frac{(En - Ep)}{100}\right\}$$

Where:

Prior Threshold = \$6,600 (for rail equipment accidents/incidents that occur during calendar year 2001);

Wn = New average hourly wage rate (\$) = 18.188333;

Wp = Prior average hourly wage rate (\$) = 17.763333;

En = New equipment average PPI value (\$) =135.733333;

Ep = Prior equipment average PPI value (\$) = 135.633333.

9. The result of these calculations is \$6,682.254777. Since the result is rounded to the nearest \$100, the reporting threshold for rail equipment accidents/ incidents that occur during calendar year 2002 is \$6,700.

10. In the absence of data necessary to compute the reporting threshold for calendar year 2003 according to the procedure described in paragraphs 1-9 of this appendix B, the calendar year 2002 threshold of \$6,700 remains in effect for calendar year 2003 and, until further notice, for all subsequent years.

[62 FR 63676, Dec. 2, 1997, as amended at 63 FR 71791, Dec. 30, 1998; 64 FR 69195, Dec. 10, 1999; 65 FR 69886, Nov. 21, 2000; 66 FR 66348, Dec. 26, 2001; 67 FR 79536, Dec. 30, 2002]

PART 228—HOURS OF SERVICE OF **RAILROAD EMPLOYEES**

Subpart A—General

Sec.

228.1 Scope.

Application. 228.3

Definitions.

Subpart B—Records and Reporting

228.7 Hours of duty.

228.9 Railroad records; general.

228.11 Hours of duty records.

228.17 Dispatcher's record of train movements.

228.19 Monthly reports of excess service.

228.21 Civil penalty.

228.23 Criminal penalty.

Subpart C—Construction of Employee **Sleeping Quarters**

228.101 Distance requirement; definitions.

228.103 Approval procedure: construction within one-half mile (2,640 feet) (804 meters).

228.105 Additional requirements; construction within one-third mile (1,760 feet) (536 meters) of certain switching.

228.107 Action on petition.

APPENDIX A TO PART 228—REQUIREMENTS OF THE HOURS OF SERVICE ACT: STATEMENT OF AGENCY POLICY AND INTERPRETATION

APPENDIX B TO PART 228—SCHEDULE OF CIVIL **PENALTIES**

APPENDIX C TO PART 228—GUIDELINES FOR CLEAN, SAFE, AND SANITARY RAILROAD PROVIDED CAMP CARS

AUTHORITY: 49 U.S.C. 20103, 20107, 21101-21108, and 49 CFR 1.49.

SOURCE: 37 FR 12234, June 21, 1972, unless otherwise noted.

Subpart A—General

§ 228.1 Scope.

This part—

(a) Prescribes reporting and record keeping requirements with respect to the hours of service of certain railroad employees; and

(b) Establishes standards and procedures concerning the construction or reconstruction of employee sleeping quarters.

[43 FR 31012, July 19, 1978]

§ 228.3 Application.

- (a) Except as provided in paragraph (b), this part applies to all railroads.
 - (b) This part does not apply to:
- (1) A railroad that operates only on track inside an installation which is not part of the general railroad system of transportation; or
- (2) Rapid transit operations in an urban area that are not connected with the general railroad system of transportation.

[54 FR 33229, Aug. 14, 1989]

§ 228.5 Definitions.

As used in this part: